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Presentment Date: January 25, 2013

Time: 12:00 p.m.

Objections Due: January 25, 2013

Time: 11:00 a.m.

*Attorneys for Irving H. Picard, Esq., Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
And Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**TRUSTEE'S MOTION FOR AN ORDER APPROVING  
THE RETENTION OF RITTER & RITTER ADVOKATUR AG AS SPECIAL  
COUNSEL NUNC PRO TUNC AS OF JANUARY 15, 2013**

Irving H. Picard, Esq. ("Trustee"), as trustee for the substantively consolidated  
liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS"), under the Securities

Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq. (“SIPA”),<sup>1</sup> and Bernard L. Madoff (together, the “Debtors”), by and through his undersigned counsel, for his motion (the “Motion”) for authority to retain Ritter & Ritter Advokatur AG (“Ritter & Ritter”) as special counsel as of January 15, 2013, respectfully represents as follows:

### **Jurisdiction**

1. This Court has jurisdiction over this Motion pursuant to SIPA section 78eee(b) and 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of this SIPA liquidation case and this Motion are proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are section 78eee(b)(3) of SIPA and §§ 327(e), 328, 329 and 330 of the Bankruptcy Code and Fed. R. Bankr. P. 2014.

### **Background**

3. On December 11, 2008 (the “Filing Date”),<sup>2</sup> the Securities and Exchange Commission (“SEC”) filed a complaint in the United States District Court for the Southern District of New York against the Debtors (No. 08 CV 10791). The complaint alleged that the Debtors engaged in fraud through the investment advisor activities of BLMIS.

4. On December 15, 2008, Judge Stanton entered an order pursuant to SIPA (the “Protective Decree”), which, in pertinent part:

- a) appointed the Trustee for the liquidation of the business of BLMIS pursuant to section 78eee(b)(3) of SIPA;
- b) appointed Baker & Hostetler LLP as counsel (“Counsel”) to the Trustee pursuant to section 78eee(b)(3) of SIPA; and
- c) removed the case to this Bankruptcy Court pursuant to section 78eee(b)(4) of SIPA.

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<sup>1</sup> For convenience, future reference to SIPA will not include “15 U.S.C.”

<sup>2</sup> See section 78lll(7)(B) of SIPA.

5. The Trustee currently has an adversary proceeding pending (the “Adversary Proceeding”) involving defendants and witnesses located in Liechtenstein, *Picard v. Kohn et al.*, Adv. Pro. No. 10-05411 (BRL). This action requires the assistance of Ritter & Ritter as special counsel in connection with the Adversary Proceeding, matters pending in Liechtenstein and other situations where Liechtenstein law is at issue.

**Relief Requested**

6. The Trustee has determined that it will be necessary to engage counsel to represent him in Liechtenstein. Such legal counsel will enable the Trustee to carry out his duties in this SIPA liquidation proceeding. The Trustee, therefore, proposes to retain and employ the law firm of Ritter & Ritter as its special counsel to represent the Trustee in Liechtenstein in connection with the Adversary Proceeding, and for any other matters going forward for which the Trustee requires legal representation in Liechtenstein, effective as of January 15, 2013.

7. The Trustee seeks to retain Ritter & Ritter as special counsel because of its knowledge and expertise in the laws of Liechtenstein and familiarity with the Trustee’s recovery efforts in Liechtenstein.

8. The services of Ritter & Ritter are necessary and essential to enable the Trustee to execute faithfully his duties herein.

9. Ritter & Ritter has indicated a willingness to act on the Trustee’s behalf to render the foregoing professional services.

10. The Trustee submits that Ritter & Ritter’s provision of professional services to the Trustee is permissible under section 78eee(3) of SIPA and is in the best interest of the Debtors’ estate and customers and creditors.

11. To the best of the Trustee’s knowledge, and except as disclosed in the declaration of disinterestedness of Michael Ritter (the “Ritter Declaration”), executed on January 16, 2013

and annexed hereto as Exhibit A, the members, counsel and associates of Ritter & Ritter are disinterested pursuant to section 78eee(b)(3) of SIPA and do not hold or represent any interest adverse to the Debtors' estate in respect of the matter for which Ritter & Ritter is to be retained. Ritter & Ritter's employment and retention are necessary and in the best interests of the Debtors' estate and its customers and creditors.

12. Ritter & Ritter will be compensated at agreed upon rates, listed below, which reflect a reduction of its normal rates by ten percent (10%). Applications for compensation to Ritter & Ritter will be filed with this Court pursuant to applicable statutes and rules. Ritter & Ritter's rate information is as follows<sup>3</sup>:

Level of Experience	Normal Rates	Agreed Upon Rates
Partners	CHF 495 per hour	CHF 450 per hour
Associates	CHF 445 per hour	CHF 405 per hour

13. SIPC has no objection to this Motion and, pursuant to SIPA section 78eee(b)(3), SIPC specifies that the Trustee should be authorized to retain Ritter & Ritter as special counsel for the purposes identified herein.

### Notice

14. Notice of this Motion has been given to SIPC, the SEC, the Internal Revenue Service, the United States Attorney for the Southern District of New York, and, by way of the ECF filing that will be made, all parties that have filed a notice of appearance herein. In light of the nature of the relief requested, the Trustee submits that such notice is good and sufficient, and no other or further notice is necessary or required.

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<sup>3</sup> The conversion rate as of the filing of this application are as follows:

Level of Experience	Normal Rates	Agreed Upon Rates
Partners	\$530.15 per hour	\$476.50 per hour
Associates	\$481.95 per hour	\$435.16 per hour

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form of Exhibit B hereto, (a) granting this Motion; (b) authorizing the Trustee to employ Ritter & Ritter as special counsel for the purposes described herein, *nunc pro tunc*, as of January 15, 2013; and (c) granting the Trustee such other and further relief as is just and proper.

Dated: New York, New York  
January 17, 2013

Respectfully submitted,

/s/ Marc E. Hirschfield

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